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THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Denied. I do not participate in the mediation program. The parties will perform their Initial Disclosures and present a case management plan to me at the conference.

SO ORDERED.

/s/ Alvin K. Hellerstein
January 19, 2022

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January 19, 2022

BY E.C.F.

Honorable Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Shawn Cavender v. City of New York, et al.
21 CV 7290 (AKH)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney for defendant City of New York. Defendant City writes to respectfully request an adjournment of the Initial Conference presently scheduled for January 28, 2022, at 10:20 a.m. (See Civil Docket No. 8, filed January 3, 2022). This is defendant's first request for an adjournment of the Initial Conference and plaintiff's counsel, Michael Cibella, consents to this adjournment.

Plaintiff alleges in his complaint that he was falsely arrested and subjected to excessive force and false imprisonment, by members of the New York City Police Department on or about June 2, 2020. (See Civil Docket No. 1, filed August 30, 2021). Plaintiff also brings a claim of Municipal Liability pursuant 42 U.S.C. § 1983 against Defendant City. (Id.) Upon review of the docket in this matter, it appears that, on January 3, 2022, the Court issued an order setting an Initial Conference for January 28, 2022, at 10:20 a.m.

Defendant requests an adjournment of the Initial Conference because the instant matter is designated as part of the Southern District of New York's Plan for Section 1983 Cases against the City of New York, or its agents, under Local Civil Rule 83.10 (hereinafter "LCR 83.10"). (See Civil Docket Entry filed August 31, 2021). An answer is triggered pursuant to LCR 83.10 when Defendant City receives an executed Designation of Agent for Access to Sealed Records Pursuant to New York Criminal Procedure Law Section 160.50(1)(d) from Plaintiff's counsel. As of yet, Defendant City has not received such documents.

As the Court is aware, once an answer is filed, pursuant to LCR 83.10, the parties must engage in limited discovery and mediation in an attempt at early resolution of the case. Accordingly, Defendant City respectfully submits that the Initial Conference should be adjourned until sometime after the parties have had an opportunity to fully participate in the Section 1983 Plan, as the case may ultimately settle before an Initial Conference is even necessary (as contemplated by the Plan).

In light of the foregoing, Defendant City respectfully requests that the January 28, 2022 Initial Conference be adjourned until sometime after the parties have participated in limited discovery and mediation under LCR 83.10.

Defendant City thanks the Court for its consideration of this request.

Respectfully submitted,

Shannon Riordan /s/

Shannon Riordan
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Special Federal Litigation Division

cc: VIA ECF
Michael Cibella, Esq.
Attorney for Plaintiff